

IN THE MATTER OF	:	BEFORE THE
<b>WESLEY &amp; REBECCA JENSON</b>	:	HOWARD COUNTY
<b>t/a ARROWWOOD SHEPHERDS, INC.</b>	:	BOARD OF APPEALS
Petitioner	:	HEARING EXAMINER
	:	BA Case No. 09-030C

Section 131.J Petition to Alter Approved  
Conditional Use BA Case No. 05-033C

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### DECISION AND ORDER

On March 15, 2010, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, heard the petition of Wesley and Rebecca Jenson, t/a Arrowwood Shepherds, Inc., (the "Petitioner"), to alter an approved conditional use for a dog kennel and pet grooming establishment in an RC-DEO (Rural Conservation – Density Exchange Option) Zoning District, filed pursuant to Section 131.J of the Howard County Zoning Regulations (the "Zoning Regulations").<sup>1</sup>

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<sup>1</sup> The Petition was submitted as an application to modify the conditions of approval in BA Case No. 05-033C. However, I agree with the Technical Staff Report ("TSR") that the petition is really a request to alter the approved use pursuant to Section 131.J of the Zoning Regulations. Section 131.J authorizes the Hearing Authority to permit the enlargement or alteration of any existing use permitted as a conditional use in the specified districts, provided that in evaluating the enlargement or alteration, the Hearing Authority shall make all of the required findings applicable to the entire conditional use. Because only one of the proposed changes relates directly to the conditions of approval in BA 05-033C and the Petitioner is revising several elements of the original plan, the petition must be reviewed pursuant to Section 131.J.

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The Petitioners certified that notice of the hearing was advertised and that the subject property was posted as required by the Howard County Code. I viewed the subject property as required by the Hearing Examiner Rules of Procedure.

The Petitioners were not represented by counsel. Wesley Jenson, Rebecca Jenson and Susan Ziobro testified in support of the petition. Mark Shaffer, Dale Bennet, Bob Johnson, Danny Day, Carolyn Shaffer and David Owens, testified in opposition to the petition.

A Preliminary Matter

At the outset of the hearing, I discussed with the Petitioner the TSR's recommendation that the petition be denied because the Conditional Use Plan shows an L-shaped fenced enclosure to the east and north of the kennel building within the setback for pens and runs. The TSR and I agree that as proposed this use would violate Section 131.N.30.a.'s setback requirement for outside pens and runs if it were used as an outside run. I stopped the proceeding to permit the Petitioner to amend the plan to eliminate the outside runs. When the proceeding was reconvened, the Petitioner introduced into evidence Petitioner's Exhibit 1, an Amended Conditional Use Plan. The Amended Conditional Use Plan eliminates the outside run.

**FINDINGS OF FACT**

Based upon the preponderance of evidence presented at the hearing, I find the following facts:

1. Wesley and Rebecca Jenson own the subject property, known as 3101

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Florence Road, which is located in the 4<sup>th</sup> Election District on the northeast side of Florence Road about 200 feet south of Jennings Chapel Road in Woodbine (the "Property"). The Property is referenced on Tax Map 13, Block 9 as Parcel 137.

2. Property Description. The Property is a trapezoidal-shaped parcel consisting of about 5.13 acres. The Property has about 500 feet of frontage on Florence Road and narrows to the rear lot line where it is about 269 feet wide. The Property is about 515 feet deep along its west side and 673 feet deep along its east side lot line.

3. The Property is improved with a two-story, single-family dwelling located in the southeast portion of the lot about 175 feet from Florence Road and about 80 feet from the east side lot line. A 6-foot tall fence encloses a small area behind the house. About 90 feet to the southeast of the house is a detached two-bay garage situated about 50 feet from Florence Road. A gravel driveway beginning along the center of the Florence Road frontage runs southeast to the house and garage.

The area around the buildings is predominantly open lawn. A vegetated buffer runs along the road frontage. The west and north portions of the Property are wooded. The Property slopes moderately from the southeast to the north and west

4. Vicinal Properties. All vicinal properties are zoned RC-DEO. To the north and west of the Property is Parcel 22, a 54.87-acre farm governed by an agricultural land preservation easement. To the east is Parcel 33, a 90.87-acre farm parcel also covered by an agricultural land preservation easement. A one-story, single-family detached dwelling fronting Florence Road is located in the southern portion of Parcel 33 about 400 feet from

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the Property line. Across Florence Road to the south are Parcels 23 and Lot 1 of Parcel 333, each of which is improved with a two-story, single-family detached dwelling.

5. General Plan. The 2000 General Plan designates the Property as a “Rural Conservation” land use.

6. Water and Sewer. The Property will be served by private water and septic facilities.

7. Roads. Florence Road is a major collector roadway with two travel lanes and 20 feet of paving within an existing variable width right-of-way and a proposed 60-foot wide right-of-way. The speed limit in the area of the Property is 30 mph. Visibility from the proposed entrance road is more than 550 feet in each direction.

8. Zoning History.

**BA Case No. 05-033C** (August 17, 2009). The Board of Appeals granted Petitioners Wesley and Rebecca Jenson, t/a Arrowwood Shepherds, a two-year extension of time to obtain a building permit and a three-year extension to substantially complete construction of the conditional use (January 17, 2012 and January 17, 2013, respectively), pursuant to Section 131.I.3 of the Zoning Regulations.

**CE 09-011**. Responsible Party: Wesley L. Jenson. Failure to comply with conditions imposed with the approval of Conditional Use BA 05-033C (Plan compliance issues concerning the driveway, the kennel building, and the six-foot privacy fence.

**BA Case No. 05-033C** (January 17, 2007). The Board of Appeals granted Petitioners Wesley and Rebecca Jenson, t/a Arrowwood Shepherds a Kennel and a Pet Grooming Establishment conditional use for a dog kennel and training facility.

The Conditional Use Plan depicted a 100-foot by 25-foot kennel situated 200 feet from the rear lot line. A wood privacy fence is shown surrounding the kennel and parking area, but the plan does not indicate its distance from property lines.

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According to BA 05-033C, the fence would be located about 10 feet from the rear property line.

Finding #5 states the kennel building will consist in part of indoor/outdoor kennel runs on the north side of the building and the fenced area around the sides and rear of the building will be used as an outdoor training and exercise area. Finding #7 states Mrs. Jenson testified "that the training of dogs will take place behind the proposed 80-foot by 24-foot building and that the facility will board up to 10 dogs" and that she owns seven dogs as pets which are kept within the hose and fenced area behind her house. Finding #8 states "Wesley Jenson testified the proposed masonry building will be insulated and soundproofed."

The approval was subject to five conditions.

1. The conditional use shall apply only to the uses and structures as described in the petition and conditional use plan submitted, as amended, to the Board as Applicant's Exhibit #1, and not to any other activities, uses, or structures on the Property.
2. That no more than ten dogs (other than the Petitioner's pets) will be housed and/or boarded in the kennels at any one time.
3. All training of dogs shall take place between the hours of 9.a.m. and 8 p.m. daily.
4. The hours of operation of the kennel shall be limited to 7 a.m. to 8 p.m.
5. The Petitioner shall comply with all applicable Federal, State and County laws and regulations.

9. The Petitioner's Proposed Alterations to the Approved Conditional Use. The

Petitioner is proposing to alter the approved Conditional Use as follows.

- i. A distinction between the kennel use and dog training. The petition states "all training will commence without building" and that "[t]raining will be viewed differently from our Kennel."
- ii. Number of dogs. Increasing the number of dogs to be trained, housed or

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boarded at one time from a maximum of 10 to 11 or more dogs at any one time.

The Petitioner's January 4, 2010 letter to J. Robert Lalush, Planning Supervisor of the Department of Planning and Zoning's ("DPZ") Division of Public Service and Zoning Administration states the Property complies with the minimum 5-acre lot size and it is therefore eligible for 11 or more dogs based upon the conditional use criteria. It concludes "[t]here is no legal reason not to have 11 or more dogs."

iii. The kennel building. As approved in BA Case No. 05-033C, the proposed 25-foot by 80-foot (2,000 square feet), soundproof masonry building was to be sited with the 80-foot section running northeast and southeast, generally parallel to the southerly property line and 200 feet from the rear lot line. The Petitioner is now proposing a one-story, 60-foot by 100-foot (6,000 square feet), 12-foot high metal building, with the 100-foot section running in a north-south direction and about 100 feet from the easterly, rear lot line.

iv. A change in fencing. The Petitioner is proposing to alter the location and type of kennel fencing. The Conditional Use Plan submitted and approved in BA Case No. 05-033C, apparently, depicts a wood privacy fence surrounding the conditional use site some distance from the lot lines. This fence's distance from property lines is not discernable because the Plan is not scaled. The Amended Conditional Use Plan eliminates the L-shaped fenced outside use area on the north and east sides of the building shown on the Conditional Use Plan submitted with the petition. The remaining wire mesh "perimeter" fencing would run along the

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rear lot line and the side lot lines up to the back yard area of the house.

v. The driveway. The Petitioner seeks approval to substitute a gravel driveway for the approved paved driveway. The Petitioner is also proposing to relocate the original parking area for 12 vehicles from the front of the kennel building to a side parking area. The number of vehicles to be accommodated is unknown. The Petitioner states the driveway and parking area will be set back 30 feet from any lot line.

10. Mr. And Mrs. Jenson testified to owning 10 dogs.

11. In response to my stated concern that the Petitioner did not place an upper limit on the maximum number of dogs to be trained, kenneled or boarded, Mrs. Jenson stated that she did not want any limit.

12. In response to community members' testimony about the Petitioner's use of the area between the proposed kennel building and the fence around three sides of the residence, Mrs. Jenson testified that she never said that they would not use this area for training or any other purpose.

**CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, I conclude as follows:

**I. The Definition of "Kennels" – Section 103.A.83**

Section 103.A.83 of the Zoning Regulations defines "kennels."

a. Any establishment for the boarding or training of dogs or cats for which a fee is charged. Such establishments may include incidental grooming or sale of pet supplies.

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- b. Any lot smaller than 20 acres where six or more dogs, not including dogs under six months of age, are kept for any purpose.

Because the Petitioner desires to operate a fee-based dog kennel and training facility, as defined by Section 103.A.83.a, it submitted the requisite conditional use application, BA Case No. 05-033C, to the Board of Appeals. The Hearing Examiner and Board granted the Petitioner's conditional use application for a dog-training and boarding facility for up to 10 dogs. The Petitioner is now proposing to alter the approved used as described herein.

In addition, at the time the Board approved BA Case No. 05-033C, Mr. and Mrs. Jenson were also the personal owners of seven dogs. They now own 10 dogs. According to Section 103.A.83.b, the Jensons are utilizing a portion of their 5.13-acre property, including their house and the fenced area behind the house. My review of the Hearing Examiner's and Board of Appeals decisions in BA 05-033C, as well as this petition, indicates that Mr. and Mrs. Jenson have not sought approval of this kennel use of their property as part of their original conditional use petition or their petition in the instant case.<sup>2</sup>

## **II. General Criteria for Conditional Uses (Section 131.B)**

### **A. Harmony with the General Plan**

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<sup>2</sup> A plain reading of Section 103.A.83.b clearly obliges the Jensons to seek conditional approval for a kennel to operate a kennel for their 10 dogs. The Hearing Examiner necessarily made the same interpretation of this definition in BA Case No. 05-010C (2005) when he approved the property owners' petition for a retroactive conditional use for a kennel. The property owners long used a block barn and the basement of their house as a kennel for their 15 adult Corgi dogs, which they exhibited, bred and sold.



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Section 131.B.1 requires me to evaluate whether the proposed conditional use plan will be in harmony with the land uses and policies indicated in the Howard County General Plan for the district based on in which it is located. In making this evaluation, I am required to consider:

- a. The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site; and**
- b. If a conditional use is combined with other conditional uses or permitted uses on a site, whether the overall intensity and scale of uses on the site is appropriate given the adequacy of proposed buffers and setbacks.**

General Plan Policies. The General Plan designates the area as a "Rural Conservation" land use. As a starting point, dog kennels are commonly found in rural areas and are presumptively considered compatible with residential land uses.

The Nature and Intensity of the Use. In this case, the Petitioner is proposing to increase the number of dogs to be boarded and trained on the Property. The evidence also indicates the Petitioner will train dogs before and after the kennel's construction. Since the Petitioner eliminated the fenced area once intended as a training area and outside run, dog-training will necessarily take place somewhere between the kennel building and the fence behind the house.

I conclude the Petitioner has not met its burden of production and persuasion to demonstrate the nature and intensity of the proposed alteration to the conditional use is appropriate and harmonious with the General Plan. The Petitioner declines to place an upper limit on the number of dogs to be boarded or trained at the kennel, and the record

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signals that dogs may be boarded and trained at the same time, which will necessarily result in a more intense use. Neither the Conditional Use Plan initially submitted with the petition in this case nor the Amended Conditional Use Plan indicate the inclusion of the area between the kennel building and dwelling fence as part of the kennel site, yet the evidence clearly indicates it will be used as a dog training area. Moreover, the Amended Conditional Use Plan removes the privacy fence and outdoor run area, leaving only the area within the wire mesh perimeter fence for the training grounds. This fence appears to abut the side property lines behind the fenced area to the rear of the house and it runs along the entirety of the rear lot line. Consequently, based on the Amended Conditional Use Plan, the conditional use site could comprise all the area within the perimeter fence.

Furthermore, the petition in this case clearly states the Petitioner will commence training before the kennel's construction and that training will be viewed differently from the kennel. The evidence therefore expressly calls our attention to the regular training of an indefinite number of dogs outdoors in an area that could encompass much of the back portion of the Property.

As addressed below, Section 131.N.30.a(2) of the kennel conditional use category, requires outside pens and runs to be located 200 feet from any lot line, or 100 feet where approved by the Hearing Authority if the Authority finds the setback reduction will not adversely affect neighboring properties. The setbacks are designed to ensure the intensity of use onsite is physically limited. The Petitioner has not applied for a reduced setback from the lot lines for the outdoor pen training area.

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For the purposes of this section, the increase in outdoor animal activity for an indefinite number of dogs is a significant activity. Until the Petitioner constructs the kennel building, and perhaps afterward, the training of an indefinite number of dogs on the conditional use site is the critical activity. It will have no less impact if the Petitioner had proposed outdoor pens in this area. I must therefore conclude, based on the evidence of record, that the Petitioner has not met its burden of production and persuasion to demonstrate the nature and intensity of this use is appropriate and harmonious with the General Plan. I must also reach the same conclusion about the use of the proposed kennel building, since we do not know the number of dogs to be boarded or trained there.

The size of the site in relation to the use. For the reasons stated in the above section about the nature and intensity of the proposed use, I conclude the Petitioner has not met its burden of production and persuasion to demonstrate the size of the site is appropriate in relation to the use.

In addition, the Hearing Examiner's 2006 review of dog kennel conditional uses approved by the Hearing Authority found the Authority limited the number of animals permits based on the size of the lot.<sup>3</sup> For smaller lots like the Jenson property, the Authority approved kennels for 10-15 dogs. In BA Case No. 98-50E<sup>4</sup>, for example, the Board of Appeals retroactively approved a kennel limited to 12 dogs on a 10.48-acre RC zoned property, including the Petitioners' pets as well as Dalmatians awaiting adoption as part of an animal rescue operation. In BA Case No. 05-010C the Hearing Examiner

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<sup>3</sup> See BA Case No. 06-007C. The review included dog kennels and animal hospitals.

<sup>4</sup> Prior to 2001, conditional uses were known as special exceptions.

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approved a kennel conditional use for the property owner's 15 dogs on a 6.185-acre property in an RC zoning district. In one case, BA 95-72E, the Board of Appeals approved a retroactive special exception for a 10-dog kennel on a 5.539-acre property in a Rural Residential zoning district subject to a two-year expiration date.<sup>5</sup>

Parsing the legislative intent behind the limitations on the minimum lot sizes as they related to the number of animals to be housed or trained in the kennel conditional use, the Hearing Examiner reasoned, as do I, the restrictions reflect a legislative intent to limit the intensity of a dog kennel by requiring larger lots, and thus more space for buffering and setbacks, for facilities housing a large number of animals. Because the Petitioner declines to set an upper limit on the number of dogs to be housed, boarded or trained as part of the use, the Petitioner has necessarily failed to demonstrate the appropriateness of the site in relation to the use, given the resulting buffers and setbacks, which the Petitioner has failed to denote on the Amended Conditional Use Plan.

The location of the site with respect to streets giving access to the site (Safe Access). The proposed access drive from Florence Road is properly located and has adequate sight distance in both directions. Consequently, the ingress and egress drive will provide safe access with adequate sight distance and with adequate acceleration and deceleration lanes where appropriate, as required by Section 131.B.2.d.

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<sup>5</sup> The two-year expiration date permitted renewal for a period of time by the Board without a hearing if the Petitioner was in compliance and the Department of Planning and Zoning found no violations after an inspection. In July of 1998, the Board renewed the special exception use upon the department's finding that the use complied with the Board-imposed conditions.

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The appropriateness of the conditional use in combination with a permitted use on the site. The proposed kennel use will be combined with a permitted use, a residential dwelling. However, for the reasons stated above, I conclude the Petitioner has not met its burden of production and persuasion to demonstrate the appropriateness of the proposed alterations to the conditional use in combination with a permitted use on the site.

**2. Adverse Effect**

Unlike Section 131.B.1, which concerns the proposed use's harmony or compatibility with the General Plan, compatibility with the neighborhood is measured under Section 131.B.2's four "adverse effect" criteria: (a) physical conditions; (b) structures and landscaping; (c) parking areas and loading, and; (d) access.

Any assessment of a conditional use under these criteria or, as in this case, an alteration in the approved use, initially recognizes the potential for virtually every human activity to have adverse impact. Zoning recognizes this fact and, when concerned with conditional uses, accepts some level of such impact in light of the beneficial purposes the zoning body has determined to be inherent in the use. Thus, the question in the matter before me is not whether the proposed use (or in this case the proposed alterations) in the kennel conditional use would have adverse effects in an RC District. The proper question is whether there are facts and circumstances showing that the particular use (alterations) to the conditional use proposed at the particular location would have any adverse effects above and beyond those inherently associated with such a use irrespective of its location within the zone. *People's Counsel for Baltimore County v. Loyola College in Maryland*,

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406 Md. 54, 956 A.2d 166 (2008); Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981); Mossburg v. Montgomery County, 107 Md. App. 1, 666 A.2d 1253 (1995).

For the reasons stated below, I conclude the Petitioner has not met its burden of production and persuasion under Section 131.B.2 of the Zoning Regulations to establish this proposed use will not have adverse effects on vicinal properties beyond those ordinarily associated with a kennel in an RC Zoning District.

**a. Physical Conditions. Whether the impact of adverse effects such as noise, dust, fumes, odors, lighting, vibrations, hazards or other physical conditions will be greater at the subject site than it would generally be elsewhere in the zone or applicable other zones.**

The Petitioner declines to set an upper limit on the numbers of dogs to be trained and/or boarded at the kennel. The record, however, makes clear that a major aspect of the proposed kennel is dog training, which will occur outdoors frequently and regularly, even before the kennel building is constructed.

Additionally, the requested alterations to the approved conditional use include a 6,000-square foot metal building instead of the approved 2,000 square foot soundproof masonry building. The proposed metal building is not only significantly larger, it also appears to lack soundproofing. The six pages of specifications about the metal building submitted with the petition describe its structure and finish, but they do not mention soundproofing information. The Petitioner also seeks to use gravel instead of paving material on the driveway.

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Considering this evidence, I must conclude the Petitioner has not established that the proposed alterations will not have adverse physical effects on vicinal properties beyond those ordinarily associated with a kennel in an RC Zoning District.

**b. Structures and Landscaping.** The location, nature and height of structures, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent land and structures more at the subject site than it would generally in the zone or applicable other zones.

For the reasons discussed above, I conclude the Petitioner has not established that the nature, location and height of the proposed kennel building and the landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent land and structures more at the subject site than it would generally in the zone of applicable other zones.

**c. Parking and Loading.** Parking areas will be of adequate size for the particular use. Parking areas, loading areas, driveways and refuse areas will be properly located and screened from public roads and residential uses to minimize adverse impacts on adjacent properties.

Because the Petitioner declines to set an upper limit on the number of dogs to be trained and/or boarded onsite at any one time, I am unable to determine whether the proposed parking will be of adequate size for the use and properly located and screened.

**d. Access.** The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.

The driveway appears to provide safe access, with adequate sight distance.

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**III. Specific Criteria for Kennels and Pet Grooming Establishments (Section 131.N.30)**

**a. For kennels housing or training eleven or more animals at one time, the following requirements shall apply:**

**(1) Minimum lot size..... 5 acres**

The Property is 5.13 acres in size, in accordance with Section 131.N.30a(1).

**(2) Minimum setback for outside pens and runs from any lot line ..... 200 feet**

The Petitioner amended the Conditional Use Petition to eliminate the outdoor runs the TSR found objectionable. However, the Amended Conditional Use Plan is proposing a perimeter fence running along the rear and side property lines. All outdoor animal activity will take place in this pen. The Petitioner has not applied for a reduced setback from the side lot lines for this outdoor activity, which until the kennel building is constructed, and perhaps afterward, will be the site of what appears to be the critical activity of the kennel operation, dog training. The Petitioner has not established that the proposed alteration complies with Section 131.N.30a(2).

**(3) Minimum structure setback**

**(a) From public street right-of-way ..... 100 feet**

The proposed alterations and Amended Conditional Use Plan accord with Section 131.N.30a(3)(a).

**(b) From any other lot line ..... 200 feet**

Because the Amended Conditional Use Plan is not scaled, I am unable to determine if the proposed metal kennel building complies with Section 131.N.30a(3)(b).



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**(4) The Hearing Authority may reduce the 200 foot setback from lot lines for structures and outside pens or runs to a distance no less than 100 feet if it finds that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes, and that the pen, run or structure will be located at least 200 feet from existing dwellings on different lots. Outside pens and runs for which this setback reduction is approved shall be enclosed by solid fences or walls.**

The Petitioners did not apply for a reduction to this setback.

**b. For pet grooming establishments not located completely within a residence, or for kennels housing or training no more than ten animals at any one time, the following requirements shall apply:**

- (1) Minimum lot size..... 3 acres**
- (2) Minimum setback for outside pens and runs from any lot line..... 100 feet**
- (3) Minimum structure setback:**
  - (a) From public street right-of-way..... 75 feet**
  - (b) From any other lot line..... 30 feet**

Section 131.N.30(b) does not apply because no pet grooming establishment is proposed and more than ten dogs will be boarded or trained at the kennel.

**c. For pet grooming establishments in which all business activities take place within a residence, the minimum lot size shall be one acre.**

Section 131.N.30(c) does not apply because no pet grooming establishment is proposed.

**d. All parking areas and outside pens and runs, and as appropriate, all buildings shall be screened by landscaping or other suitable means from adjoining properties and public street rights-of-ways.**

For the reason discussed above, I am unable to conclude the petition complies with Section 131.N.30(c)

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**e. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines;**

The TSR concludes no odors or other emissions will be perceptible at lot lines if the Petitioner provides a septic area, as the Health Department requires, and keeps stored waste within or immediately adjacent to the kennel.

**f. A kennel for the boarding of dogs or cats for which a fee is charged must have frontage on and direct access to a collector or arterial road designated in the General Plan.**

Florence Road is a Major Collector highway, in compliance with Section 131.N.30.F.

**IV. Opposition Testimony**

Much of the Opposition's testimony in this case concerned the Petitioner's alleged violation of the conditional use approved in BA 05-033C. It is an improper exercise of the Hearing Examiner's function to transform zoning application proceedings into a violation and enforcement process. For this reason, my decision to deny the requested alterations to the approved conditional use is in no way related to any allegedly committed violations of the approved conditional use. *Klein v. Colonial Pipeline Co.*, 55 Md. App. 324, 337, 462 A.2d 546, 554, 1983 (internal citations omitted).

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**ORDER**

Based upon the foregoing, it is this **29<sup>th</sup> day of March 2010**, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the petition of Wesley and Rebecca Jenson, t/a Arrowwood Shepherds, Inc., Petitioners, to alter the approved conditional use for a dog kennel and pet grooming establishment approved in BA Case No. 05-033C is hereby **DENIED**.

**HOWARD COUNTY BOARD OF APPEALS  
HEARING EXAMINER**

MICHELLE L. LEFTWIRE

Date Mailed: 3/30/10

**Notice:** A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 calendar days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.